

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

)
Jacob Anthony Samborski, Jr.)
and)
Judith Ann Samborski,)
Plaintiffs,) Case No. 09-43320-drd13
)
vs.)
Green Tree Servicing, LLC,) Adversary No. 14-04010-drd
)
Defendant.)

MOTION TO COMPEL ENFORCEMENT OF SETTLEMENT AGREEMENT

COME NOW Plaintiffs Jacob Anthony Samborski, Jr. and Judith Ann Samborski, (herein after “Plaintiffs”) by and through their attorneys at The Law Offices of Tracy L. Robinson, LC, and for their Motion to Compel Enforcement of Settlement Agreement, state as follows:

1. Plaintiffs filed an Adversary Proceeding against Defendant Green Tree Servicing, LLC (herein after “Defendant”) on January 27, 2014.
2. Defendant was properly served a copy of the Complaint and Summons on February 11, 2014.
3. Defendant filed a Motion to Dismiss Adversary on March 18, 2014.
4. The parties filed a Joint Motion to Extend Time to Answer Defendant’s Motion to Dismiss Pending Settlement Discussions on April 7, 2014.
5. The parties reached a settlement agreement on April 22, 2014 where Defendant would issue a refund check of the overpayment to Plaintiffs in the amount of \$433.57 and issue a check for attorney fees in the amount of \$1,000.00 to Plaintiffs’ counsel.
6. Plaintiffs’ counsel notified this Court on April 22, 2014 that the matter had been resolved and this Court gave the parties fourteen (14) days to file a Dismissal.
7. Plaintiffs signed a Settlement Agreement and it was forwarded to Defendant’s counsel

on April 28, 2014.

8. Since April 28, 2014, Plaintiffs' counsel has requested numerous updates from Defendant's counsel via phone and email on the fully executed Settlement Agreement and the checks.

9. Plaintiffs' counsel spoke with Defendant's counsel on July 10, 2014 and despite his numerous efforts to reach his client, he still does not have an update as to why the delay in getting the Settlement Agreement signed and the checks tendered.

10. Plaintiffs' counsel has expended an additional \$600.00 in attorney fees in following up with Defendant's counsel, keeping this Court notified, and ultimately preparing and filing this Motion to Compel.

11. Plaintiffs requests that Defendant immediately return the signed Settlement Agreement, issue a check to Plaintiffs for the overpayment of \$433.57, issue a check for attorney fees for \$1,000.00 to Plaintiffs' counsel as originally agreed, and an additional sum of \$600.00 to Plaintiffs' counsel for the attorney fees and costs incurred in ultimately prosecuting this Motion.

Wherefore, Plaintiffs pray that an Order be entered that: (i) requires Defendant to immediately return the signed Settlement Agreement; (ii) requires Defendant to issue a check to Plaintiffs for the overpayment of \$433.57; (iii) requires Defendant to issue a check for attorney fees for \$1,000.00 to Plaintiffs' counsel as originally agreed; (iv) requires Defendant to tender an additional sum of \$600.00 to Plaintiffs' counsel for the attorney fees and costs incurred in ultimately prosecuting this Motion; and, (v) grant such other and further relief as the Court deems just and proper under the circumstances.

Respectfully submitted,

**THE LAW OFFICES OF TRACY L.
ROBINSON, LC**

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

This certifies that on this 10th day of July, 2014, the foregoing was electronically filed with the Clerk of the Court by using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Chelsea S. Springer _____
Attorney for Plaintiffs